

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

LARRY YOUNG,

Plaintiff,

V.

FRANK DYER, *et al.*,

Defendants.

Civil Action No. 7:23cv00262

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Larry Young, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On August 28, 2023, the defendants filed a motion to dismiss, and on August 29, 2023, the court issued a notice required by *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 23–25.) The *Roseboro* notice gave Young 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants’ motion, the court would “assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant[s] state[] in their responsive pleading(s).” (*See* ECF No. 25.) The notice further advised Young that, if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*)

To date, Young has not responded to the motion or the court's notice and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 2nd day of October, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE